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Re:

U.S.S.N. 10/050,413

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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.

10/050,413

Confirmation No.: 6108

Applicant

Charles Eric Pearce et al.

Filed

January 16, 2002

TC/A.U.

1771

Examiner

Norca Liz Torres Velazquez

Titie

Hydroentangled Filter Media And Method

Docket No.

PGI6044P0321US

Customer No.

32116

Commissioner For Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

#### SUPPLEMENTAL RESPONSE

Sìr.

This is responsive to applicants' Amendment filed in response to the Office Action of April 22, 2005.

By applicants' previous response, applicants refuted the Examiner's rejection under 35 U.S.C. §103, based upon U.S. Patent No. 4,556,601, to Kirayoglu, in view of U.S. Patent No. 5,240,764, to Haid et al. As stated therein, applicants respectfully maintain that it is contrary to the teachings of the principal Kirayoglu reference to subject the filter media disclosed therein to heat-treatment, as stated by the Examiner in her rejection under 35 U.S.C. §103.

As previously noted, the Kirayoglu reference itself specifically requires that the disclosed fabric not be subjected to shrinkage, i.e., heat-treatment. Applicants have maintained that as such, there would be no motivation for one skilled in the art to subject the fabric of Kirayouglu to heat-treatment, as suggested by the Examiner in her rejection.

In support of their position, applicants have studied the prosecution file history of the Kirayoglu reference. Significantly, study of the history shows that the language in claim 1 of the Kirayoglu reference specifying that the disclosed fabric not be subjected to a shrinking (i.e.,

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heat-treatment) operation was added by Examiner's Amendment shortly before mailing of the Notice of Allowability (copies enclosed). Notably, in the accompanying Examiner Interview Summary Record, the Examiner states:

Claim 1 to be amended to indicate product characteristics described thereby were not the result of an extraordinary shrinking operation such as that of Example IV of the Evans et al patent referred to above.

The Evans et al. patent, U.S. Patent No. 3,486,168, at Example IV describes heattreatment of the fabric of this Example. At column 10, line 64 et seq., Evans et al. states:

The high-shrinkage fibers are capable of shrinking about 30% in length when subjected to atmospheric stream or heat (120° C.).

At column 11, line 3 et seq., Evans et al. goes on to state:

The fabric, which has 12 ribs/inch (4.73/cm.), is then removed from the grill and exposed to live stream for 1.0 minute resulting in 30% area shrinkage.

Thus, Evans et al. contemplates that by exposure to stream at 120° C. (i.e., 248° F.), the disclosed fabric is subjected to 30% area shrinkage.

In light of the above-noted language in the principal Kirayoglu reference, applicants have maintained that modification of the teachings of this reference, in accordance with the Haid et al. patent, would be contrary to the teachings of these references. In this regard, applicants note that the Haid et al. reference relied upon by the Examiner contemplates, in Example II, that the fabric disclosed therein be heat-set at 300° F. for 5 minutes. Thus, Haid et al. contemplates heat-setting at a temperature that exceeds that disclosed in Example IV of the Evans et al. patent, and for a period of time that exceeds that disclosed in Example IV of Evans et al. Clearly, one skilled in the art would conclude that heat-treatment in accordance with the

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teachings of the Haid et al. patent would result in shrinkage, specifically contrary to the contemplated scope and teachings of the principal Kirayoglu reference.

Thus, applicants must respectfully maintain that combining the teachings of these references is contrary to M.P.E.P. Section 2143.01, which specifically admonishes that 'the proposed modification cannot change the principle of operation of a reference' (citations omitted). As such, it is respectfully maintained that the rejection of the presently pending claims under 35 U.S.C. §103 should be withdrawn.

Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below. The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

Stephen D. Geimer, Reg. No. 28,846

Correspondence to: WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 West Madison Street, Suite 3800 Chicago, Illinois 60661-2511 312/876-1800

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-2-

Serial No. 568,174

Art Unit 154

### EXAMINER'S AMENDMENT

Per agreement with applicant's attorney, Mr.

Isakoff, in the telephone conversation of June 24, 1985, the expression:

131

-- said fabric not having been subjected to a shrinking operation--

has been inserted after the word "cycles", appearing on line 9 of claim 1.

JCCannon:edc (703) 557-6525 6-24-85

# CO



UNITED STATES DEPARTMENT OF COMMERCE

Address: COMMISSIONER OF PATENTS AND TRADEMARK

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(A fuller description, is attached. Also, where no	f necessary, and a copy o copy of the amendme	of the amendments, if events which would render the	liable, which the ext claims allowable is a	eminer agreed would re validable, a summary the	ender the claim areof must be at	s alique Mached.	ble must
Unless the paragraphs to NOT WAIVED AND M last Office action has all	elow have been checke IUST INCLUDE THE S ready been filed, then a	ed to indicate to the contra EUBSTANCE OF THE INT Opticant is given one month	ry, A FORMAL WR ERVIEW (e.g., items from this interview of	ITTEN RESPONSE TO 1-7 on the reverse side isto to provide a statem	THE LAST ( to of this form). ent of the substi	OFFICE . If a rep ence of the	ACTION panse to se intervi
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